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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,073	03/30/2001	Lenny Low	PA-Y0048	8069
41339	7590	09/12/2006	EXAMINER	
KARAMBELAS & ASSOCIATES 655 DEEP VALLEY DRIVE, SUITE 303 ROLLING HILLS ESTATES, CA 90274			LEO, LEONARD R	
			ART UNIT	PAPER NUMBER
			3753	

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UNITED STATES DEPARTMENT OF COMMERCE  
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 22

Application Number: 09/822,073  
Filing Date: March 30, 2001  
Appellant(s): Low et al.

Anthony W. Karambelas  
For Appellant

**EXAMINER'S ANSWER**

This is in response to appellant's brief on appeal filed December 5, 2003.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The statement of the amendment after final is correct.

Art Unit: 3753

**(5) Summary of Invention**

The summary of invention contained in the brief is correct.

**(6) Issues**

The appellant's statement of the issues in the brief is correct.

**(7) Grouping of Claims**

The rejection of claims 1-6 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5,743,325

Esposto

4-1998

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 112***

Claims 1-6 rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the

Art Unit: 3753

claimed invention. Regarding claims 1, 3 and 5, the originally filed specification fails to disclose “a remotely-located heat source disposed ... at a location that it remote from the heat dissipating system ... ;and a loop heat pipe thermally coupled between the ... heat source and the heat dissipating system”.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Esposto. See at least figure 1 and column 4, lines 20-22.

***(11) Response to Argument***

All of appellant's concerns directed toward the objections (i.e. drawing objection and specification objection) are considered to be moot since objections are not appealable issues.

Appellant's newly added limitation/language “a remotely-located heat source disposed ... at a location that it remote from the heat dissipating system ... ; and a loop heat pipe thermally coupled between the ... heat source and the heat dissipating system” is not supported within the originally filed specification. The system “10” as stated in applicant's originally filed specification on page 3, line 6 comprises a loop heat pipe. Therefore, the originally within the originally filed specification filed states the loop heat pipe is the same as the heat dissipating system (i.e. they are one and the same). Therefore, the phrase “a loop heat pipe thermally coupled between the ... heat

Art Unit: 3753

source and the heat dissipating system" as claims 1, 3, and 5 cannot physically be possible since the above quoted limitation requires the loop heat pipe to be coupled between the heat source and itself. This limitation was not disclosed within appellant's originally filed specification. However, the loop heat pipe is coupled between the heat source and the radiator panel (12,13). Appellant has also failed to state or point to any element/device/structure in the drawings or specification what he believes is the "heat dissipating system". Appellants' pointing to "page 4, line 6 et seq.," does not support "a remotely-located heat source disposed ... at a location that it remote from the heat dissipating system ... ; and a loop heat pipe thermally coupled between the ... heat source and the heat dissipating system". Also, page 4, line 6 of the originally filed specification does not teach the claimed "heat dissipating system" nor a "heat pipe panel".

Appellant's concerns directed toward Esposto are not found persuasive. Esposto teaches the claimed invention since Esposto discloses a looped heat pipe (20) on a spacecraft (8) transferring thermal heat energy to radiator panels (10,12) from a remotely located (located inside space 22, see column 4, lines 20-22)) heat source, where the heat source is not located on the radiator panels (10,12).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



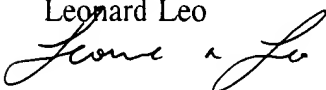
C.A.

March 22, 2004

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